

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

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THE MAGNAVOX COMPANY,
a Corporation, and
SANDERS ASSOCIATES, INC.,
a Corporation,

Plaintiffs,

v.

BALLY MANUFACTURING
CORPORATION,
a Corporation, et al.,

Defendants.

Consolidated
Civil Actions

No. 74 C 1030✓

No. 74 C 2510✓

No. 75 C 3153✓

No. 75 C 3933✓

CLERK
U.S. DISTRICT COURT

C

MAGNAVOX' AND SANDERS'
RESPONSES TO INTERROGATORIES
BY ATARI, INC. (FIRST SET)

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The Magnavox Company and Sanders Associates, Inc. (hereinafter "Magnavox" and "Sanders", respectively), through their undersigned attorneys and agents, hereby respond to the interrogatories served upon them on February 9, 1976 by Atari, Inc. (hereinafter "Atari") under the title "Plaintiff's Interrogatories to Defendants (First Set)". Each of the interrogatories seeks contentions of Magnavox and Sanders with respect to the claims of United States Letters Patent 3,659,284, 3,659,285, 3,728,480, 3,778,058, Re. 28,507 and Re. 28,598 and their relationship to the apparatus enumerated in the interrogatories. The contentions are stated by Magnavox' and Sanders' undersigned attorneys. The contentions

are based on information presently available to Magnavox' and Sanders' attorneys and are stated as presently advised. Magnavox and Sanders reserve the right to alter the stated contentions as discovery in this action progresses and additional relevant facts become known to them.

1. As to each claim of defendants' patents, state which, if any, of plaintiff's products is considered by defendants (or either of them) to infringe said claim and in each instance identify the element or elements of plaintiff's product deemed by defendants (or either of them) to correspond to each element of the allegedly infringed claim.

RESPONSE: The following is a partial list of the games identified by Atari in the introduction to its interrogatories. The list includes a classification of the games into eight groups, groups A, B, C, D, E, F, G, and H:

GROUP A:

Pong

Super Pong

Pong Doubles

Dr. Pong

Cocktail Pong

GROUP B:

World Cup

Elimination

Quadrapong

Goal IV

Consumer Pong

GROUP C:

(No entries)

GROUP D:

Rebound

Spike

GROUP E:

(No entries)

GROUP F:

Pin Pong

GROUP G:

Trak 10	Crash 'N Score
Trak 20	Tank
Gran Trak 10	Tank II
Gran Trak 20	Cocktail Table Tank
Formula K	Crossfire
Twin Racer	Gotcha
Indy 800	Color Gotcha

GROUP H:

Qwak

The claims of the specified patents alleged to be infringed by each of the video games in the above-identified groups are listed below. The list of claims in the reissue patents are to be considered as including the listed claims in the corresponding original patents.

GROUP	CLAIMS OF <u>3,659,284</u>	CLAIMS OF <u>3,659,285</u>	CLAIMS OF <u>Re. 28,507</u>	CLAIMS OF <u>Re. 28,598</u>
A	25, 28, 29, 31, 32, 44, 45, 51, 54, 55, 57	1, 5	60, 61, 62, 63, 64	----
B	25, 28, 29, 31, 32, 44, 45, 51, 54, 55, 57	1, 2, 5, 6	60, 61, 62, 63, 64	13, 14, 15, 16
C	25, 26, 28, 29, 31, 32, 44, 45, 51, 52, 54, 55, 57	1, 2, 5, 6	60, 61, 62, 63, 64	13, 14, 15, 16
D	25, 28, 29, 31, 45, 51, 54, 55, 57	1, 5	60, 61, 62, 63, 64	17
E	25, 28, 29, 31, 51, 54, 55, 57	2, 6	60	13, 14
F	25, 28, 29, 31, 32, 51, 54, 55, 57	1, 2, 5, 6	60, 61, 63, 64	13, 14, 15
G	----	----	----	13
H	----	----	60	----

Consumer Pong is additionally alleged to infringe claims 1, 2, 5-9, 13, 25, 40, and 43 of Patent 3,728,480.

Magnavox and Sanders further respond to this interrogatory by providing the chart attached hereto showing the application of the claims identified as infringed by one exemplary game, "Pong", against that game.

Moreover, and as Atari's attorneys are well aware, patent claims may be applied in many different ways to a particular apparatus. There are shown in the following charts only one of the possible applications of the claims to the respective apparatus. Magnavox and Sanders specifically reserve the right to alter the application of the claims to the respective apparatus as Atari and other parties to this action reveal their positions as to the interpretation of those claims and the other issues therein. In some cases, there is identified in the attached chart only those components having the most important role in performing the function of the corresponding claim element; components in addition to those identified may be required to perform the complete function. Moreover, in some cases the indicated elements may perform more than one function; it is then to be understood that only the portion of the element performing the recited function is to be included within the corresponding claim element.

2. As to each claim of defendants' patents, state which, if any, of plaintiff's products is considered by defendants (or either of them) not to infringe said claim and in each instance identify the element or elements of the claim deemed by defendants (or either of them) to be lacking in the specific product to thereby avoid infringement.

RESPONSE: Magnavox and Sanders object to interrogatory 2 as requesting information which is not relevant to the subject matters involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. What Magnavox and Sanders deem to be lacking from those ones of Atari's products which they do not consider infringe the claims of the patents just simply has no relevance to the issues of this action.

3. As to each claim of defendants' patents, state which, if any, of the commercial products, models or prototypes of defendants (or either of them) is considered by defendants (or either of them) to be covered by said claim and in each instance identify the element or elements of the product, model or prototype deemed by defendants (or either of them) to correspond to each element of the claim.

RESPONSE: Magnavox and Sanders object to interrogatory 3 insofar as it relates to models or prototypes of Magnavox and/or Sanders as requesting information which is not relevant to the subject matters involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the

discovery of admissible evidence. The information requested relates to the dates on which the inventions of the patents were made. Atari has cited no prior art which, as presently advised, would cause Magnavox and Sanders to rely on any dates of invention prior to the respective filing dates of the patents.

As to commercial products of Magnavox, Magnavox and Sanders consider the Magnavox Model 1TL 200 to be covered by at least the following claims alleged as infringed by Atari:

Patent 3,728,480 - claims 1, 2, 5-9, 13, 25,
40, and 43

Patent 3,659,284 - claims 25, 26, 28, 44, 45
51, 52, 54

Patent 3,659,285 - claims 1, 2, 5, 6

Patent Re. 28,507 - claims 60, 61, 62, 63

Patent Re. 28,598 - claims 13, 14, 15, 16, 17

Magnavox and Sanders consider the Magnavox Models YF 2010 and YF 7015 to be covered by at least the following claims alleged as infringed by Atari:

Patent 3,728,480 - claims 1, 2, 5-9, 13, 25, 40,
and 43

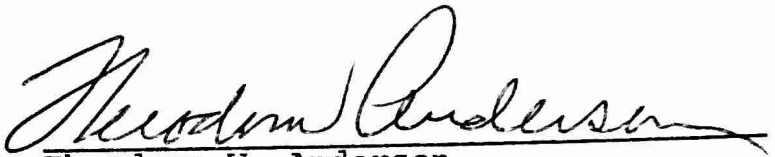
Patent 3,659,284 - claims 25, 26, 28, 29, 31, 32,
44, 45, 51, 52, 54, 55, and 57

Patent 3,659,285 - claims 1, 2, 5, and 6

Patent Re. 28,507 - claims 60, 61, 62, 63, and 64

Patent Re. 28,598 - claims 13, 14, 15, and 16

Magnavox and Sanders further respond to this interrogatory by providing the chart attached hereto showing the application of the claims identified as covered by the Model 1TL 200 to that model. The last paragraph of the response herein to interrogatory 1 is hereby incorporated in this response by reference.



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Claims of 3,659,284:

PONG

25. In combination with a standard television receiver, apparatus for generating symbols upon the screen of the receiver to be manipulated by at least one participant, comprising:

means for generating a hitting symbol, and

means for generating a hit symbol including

means for ascertaining coincidence between said hitting symbol and said hit symbol and means for imparting a distinct motion to said hit symbol upon coincidence.

26. The combination of claim 25 wherein said means for generating a hitting symbol includes means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hitting symbol.

28. The combination of claim 25 wherein said means for generating a hit symbol includes means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hit symbol.

29. The combination of claim 28 wherein said means for providing horizontal control signals for said hit symbol includes means for causing said hit symbol to move back and forth across the screen when triggered.

The television receiver

B9, C9, B7, B8, A7, F6, F8, F9, H3, G2, G3

G7, H7, G6, G5, H6, B3, A3, B2, E2, D2, G1, G3, A5, B5, A2, A4, B6, C4, B4, H3, H4, E6, G4, C1, D1

G3, B2, A5, B5, A4, B6, C4, B4, H3, H4

E6, G4, C1, D1, H3, H4, B4

E6, G4, C1, D1, H3, H4

PONG

31. The combination of claim 29 further including means for detecting coincidence between a hit symbol and a hitting symbol and means for causing said hit symbol to change direction upon coincidence.

G3, B2, A5, B5, A4, B6, C4, B4, H3, H4

32. The combination of claim 25 wherein said means for generating a hit symbol further includes means for causing said hit symbol to move away from a predetermined position of the screen with a reflection angle equal to the incident angle at which said hit symbol approached said predetermined position.

A2, B2, A4, B6, C4, B4

PONG

44. Apparatus for playing a baseball type game on the screen of a cathode ray tube, comprising:

means for displaying a hit spot;

means for displaying a hitting spot;

means for adjusting the vertical position of said hitting spot;

means for serving said hit spot; and

means for varying the vertical position of said hit spot; and

means for denoting coincidence between said hit and said hitting spot whereby said hit spot will reverse directions.

The cathode ray tube of television receiver

G7, H7, G6, G5, H6, B3, A3,
B2, E2, D2, G1, G3, A5, B5,
A2, A4, B6, C4, B4, H3, H4,
E6, G4, C1, D1
B9, C9, B7, B8, A7, F6, F8,
F9, H3, G3, G2

B9 and pot

F4, E5, B5, E1

B4

G3, H3, H4

PONG

45. Apparatus for playing a hockey type game upon the screen of a cathode ray tube, comprising:
- means for displaying a first hitting spot;
- means for displaying a second hitting spot;
- means for displaying a hit spot;
- means for controlling the position of said first and second hitting spots;
- means for controlling the position of said hit spot including means for ascertaining coincidence between either of said hitting spots and said hit spot and means for imparting a distinct motion to said hit spot upon coincidence.

The cathode ray tube of television receiver

B9, C9, B7, B8, A7, F6, F9,
H3, G3, G2

A9, C9, G7, A8, A7, F6, F8,
F9, H3, G3, G2

G7, H7, G6, G5, H6, B3, A3,
B2, E2, D2, G1, G3, A5, B5,
A2, A4, B6, C4, B4, H3, H4,
E6, G4, C1, D1

B9, A9, and pots

G7, H7, G6, G5, B3, A3, B2,
G3, A5, B5, A4, B6, C4, B4,
H3, H4

PONG

The television receiver

51. Apparatus for generating symbols upon the screen of a television receiver to be manipulated by at least one participant, comprising:
- means for generating a hitting symbol; and
- means for generating a hit symbol including
- means for ascertaining coincidence between said hitting symbol and said hit symbol and means for imparting a distinct motion to said hit symbol upon coincidence.
52. The combination of claim 51 wherein said means for generating a hitting symbol includes means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hitting symbol.
54. The combination of claim 51 wherein said means for generating a hit symbol includes means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hit symbol.
55. The combination of claim 54 wherein said means for providing horizontal control signals for said hit symbol includes means for causing said hit symbol to move back and forth across the screen.
57. The combination of claim 55 further including means for detecting coincidence between a hit symbol and a hitting symbol and means for causing said hit symbol to change direction upon coincidence.

B9, C9, B7, B8, A7, F6, F8,
F9, H3, G3, G2

G7, H7, G6, G5, H6, B3, A3,
B2, E2, D2, G1, G3, A5, B5,
A2, A4, B6, C4, B4, H3, H4,
E6, G4, C1, D1

G3, B2, A5, B5, A4, B6, C4,
B4, H3, H4

E6, G4, C1, D1, H3, H4, B4

E6, G4, C1, D1, H3, H4

G3, B2, A5, B5, A4, B6, C4,
B4, H3, H4

PONG

The television receiver

1. In combination with a standard television receiver, apparatus for generating signals representing a first and second "hitting" symbol and a "hit" symbol to be displayed on the screen of said television receiver, comprising:

means for generating horizontal and vertical sync signals;

means for generating a vertical train of square pulses;

means for generating a horizontal train of square pulses;

a first "hitting" symbol generator;

a second "hitting" symbol generator;

a "hit" symbol generator;

means for applying said vertical and horizontal trains of square pulses to said symbol generators;

means for generating first and second control signals for said first "hitting" symbol generator;

means for coupling said first and second control signals to said first "hitting" symbol generator;

means for generating third and fourth control signals for said second "hitting" symbol generator;

means for coupling said third and fourth control signals to said second "hitting" symbol generator;

C9, E6, F6, F8, F9, F7, E7,
G5, H5, E8, E9, D9, D8, E7,
F5, A4, E4

E8, E9, D9, D8, E7

F8, F9, F6, F7, E7

B9, C9, B7, B8, A7, H3, G3,
G2

A9, C9, G7, A8, A7, H3, G3,
G2

G7, H7, G6, G5, H6, B3, A3,
B2, E2, D2, G1

the connections between
H5 & B7, D9 & B9, D9 & A9,
H5 & G7, H5 & B3, F5 & B3,
H5 & A3, F5 & A2, H5 & E6

paddle 1 pot, F6, F8, F9

the connections between
paddle 1 pot & B9, F8 & H3,
F9 & H3, F9 & G3, F6 & G2

paddle 2 pot, F6, F8, F9

the connections between
paddle 2 pot & A9, F8 & H3,
F9 & H3, F9 & G3, F6 & G2

PONG

means for generating fifth and sixth control signals for said "hit" symbol generator;

G3, B2, A5, B5, A2, A4, B6, C4, B4, E6, G4, C1, D1, H3, H4

means for coupling said fifth and sixth control signal to said "hit" symbol generator;

the connections between B4 & B3, H4 & G7

means for coupling said first, second, third and fourth control signals to said means for generating fifth and sixth control signals; and

the connections between G2 & G3

means for coupling the outputs of said symbol generators and said sync signals to the television receiver.

F2, E4